

H4KLKRUC

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

17 CR 229 (VSB)

6 PINCHAS KRUPNIK,

7 Defendant.
-----x

8 New York, N.Y.
9 April 20, 2017
10 12:55 p.m.

11 Before:

12 HON. VERNON S. BRODERICK,

13 District Judge

14 APPEARANCES

15 JOON H. KIM
16 Acting United States Attorney for the
Southern District of New York
17 STEPHANIE LAKE
Assistant United States Attorney

18 AVRAHAM C. MOSKOWITZ
Attorney for Defendant

19
20
21
22
23
24
25

H4KLKRUC

1 (Case called)

2 THE COURT: We're here for an arraignment.

3 Mr. Krupnik, have you received a copy of the
4 indictment?

5 THE DEFENDANT: Yes, I have, your Honor.

6 THE COURT: All right. And have you read it?

7 THE DEFENDANT: Yes, I have.

8 THE COURT: Do you waive its public reading at this
9 time?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: And have you had an opportunity to go over
12 the charges in the indictment with Mr. Moskowitz?

13 THE DEFENDANT: I've discussed it.

14 THE COURT: Okay. All right. How do you plead?

15 THE DEFENDANT: Not guilty, your Honor.

16 THE COURT: All right. Ms. Lake, what's the status of
17 discovery in the matter?

18 MS. LAKE: I've just handed a folder which contains a
19 disc with the discovery in this case to defense counsel.

20 THE COURT: Okay. Is there any other material that
21 remains to be produced?

22 MS. LAKE: Not that I am aware of. The only
23 outstanding issue would be that there's actual child
24 pornography that is in the possession of the FBI which
25 obviously the government cannot produce, and the government

H4KLKRUC

1 will make that available to defense counsel for review to the
2 extent he wishes to review it at our office.

3 THE COURT: Okay. And I haven't studied the
4 indictment. Is there a breakdown that you can provide to
5 Mr. Moskowitz concerning amount, amounts?

6 MS. LAKE: Yes, there is. I can provide it right now
7 or I can talk with him afterwards.

8 THE COURT: You can talk to him just because at least
9 my understanding of what might drive some of the issues
10 relating to the case might be by the sheer quantity of the
11 materials, as well as whatever position the government is
12 taking. Now, obviously, you can discuss also whether and when
13 and under what circumstances Mr. Moskowitz, if he wants to
14 review the materials, can do that.

15 MS. LAKE: Of course.

16 THE COURT: Okay. And I notice there is a complaint
17 that was sworn out -- it looks like it was filed in November.
18 Okay. So besides that, you don't believe, Ms. Lake, there's
19 any additional discovery.

20 MS. LAKE: No, your Honor.

21 THE COURT: Okay. Mr. Moskowitz, how much time would
22 you like to, A, review the discovery, determine whether or not
23 you believe it's appropriate to view the materials that are in
24 the possession of the FBI, and determine whether or not there
25 are any motions you'd like to make?

H4KLKRUC

1 MR. MOSKOWITZ: Your Honor, I would ask for 45 days --

2 THE COURT: Sure.

3 MR. MOSKOWITZ: -- or thereabouts, about six weeks.

4 THE COURT: And just for my -- was there a search
5 warrant in connection with this case?

6 MS. LAKE: Yes. There were two search warrants in
7 connection with the case. One search warrant was for a DropBox
8 account. And the other search warrant was for the defendant's
9 apartment.

10 THE COURT: And those affidavits and things have
11 been --

12 MS. LAKE: Yes, they're contained in the discovery.

13 THE COURT: All right. So 45 days, Ms. Williams.

14 THE DEPUTY CLERK: June 9 at 12 p.m.

15 THE COURT: June 9.

16 THE DEPUTY CLERK: 12 p.m.

17 THE COURT: At noon. Does that work, Mr. Moskowitz?

18 MR. MOSKOWITZ: June 9, noon, yes.

19 THE COURT: All right. I'm going to exclude the time
20 between now and June 9 to allow for Mr. Moskowitz to review the
21 discovery and determine whether or not there are motions that
22 should be made. It's also to determine whether or not and give
23 him time should he believe it's appropriate to review the
24 materials that are in the possession of the FBI. And I find
25 the exclusion of time outweighs the interest of the public and

H4KLKRUC

1 Mr. Krupnik in a speedy trial.

2 Mr. Moskowitz, do you have anything, is there anything
3 else we need to deal with?

4 MR. MOSKOWITZ: No, your Honor.

5 THE COURT: From the government?

6 MS. LAKE: No. Thank you very much, your Honor.

7 THE COURT: Mr. Krupnik, I will see you here on
8 June 9. All right.

9 THE DEFENDANT: Thank you, your Honor.

10 THE COURT: Okay.

11 MR. MOSKOWITZ: Thank you, Judge.

12 THE COURT: We'll stand adjourned.

13 ooo

14

15

16

17

18

19

20

21

22

23

24

25